

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: December 21, 1987

FILE REF: 3200

TO: Interested Parties

FROM: Duane Schuettpelz, Chief
Surface Water Quality Standards & Monitoring Section
Department of Natural Resources



SUBJECT: Rules for Water Quality Criteria and Water Quality Based Effluent Limits

Your name was on our list as having requested a copy of proposed Ch NR 105. The Department is drafting two administrative rules:

- Chapter NR 105 - Surface Water Quality Criteria for Toxic and Organoleptic Substances, and
- Chapter NR 106 - Water Quality Based Effluent Limits for Toxicant and Organoleptic Substances

The following is information on the history and content of these two rules.

Chapter NR 105 proposes ambient concentrations (criteria) of toxic substances which shall be maintained to protect surface water quality and the uses of surface waters. A draft of Chapter NR 105 was distributed to interested parties in October of 1986. Public information meetings were held in December 1986. The Natural Resources Board authorized public hearings to be held provided an advisory committee technically review the draft. A Technical Advisory Committee reviewed the rule proposal during April-September 1987. The Technical Advisory Committee was composed of representatives from many groups including industry, the University of Wisconsin, municipalities, and environmental groups. Ch. NR 105 was then redrafted by the Department. In redrafting Chapter NR 105, the recommendations of the Advisory Committee were utilized to the extent possible given state and federal obligations and responsibilities.

Chapter NR 105 was the subject of public hearings in November and early December in 1987. These public hearings were held on November 30 in Waukesha, December 1 in Green Bay, and December 2 in Eau Claire. As a result of these hearings and other factors, two additional hearings were scheduled for January 12 and 14, 1988. Also, the deadline for written comments was extended to January 22, 1988. A notice of these hearings was previously distributed to you.

The purpose of CHAPTER NR 106 is to specify how water quality based effluent limitations for discharge to surface waters will be calculated and imposed in Wisconsin surface water discharge permits. A draft report discussing the issues regarding derivation of these limits was reviewed by the Technical Advisory Committee. Permission from the Natural Resources Board in December 1987 was obtained to schedule public hearings on Chapter NR 106. ATTACHED IS THE PUBLIC NOTICE FOR CH NR 106 HEARINGS. THE DEADLINE FOR COMMENTS ON CH NR 106 IS FEBRUARY 29, 1988.

Any questions or request for documents can be directed to Ms. Candy Schrank at (608) 267-2303.

DS:CS/jmc/1193E

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
WR-47-87

NOTICE IS HEREBY GIVEN that pursuant to ss. 144.025(2) and (2), 147.01, 147.04 and 227.11(2)(a), Stats., interpreting ss. 144.025(1) and (2) and (2)(b), 147.01, 147.02 and 147.04, Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 102 and the creation of ch. NR 106, Wis. Adm. Code, pertaining to surface water quality based effluent limits for toxicants and organoleptic substances. Proposed ch. NR 106 specifies how water quality based effluent limits for toxicants and organoleptic substances will be derived. Parties most immediately affected are point sources which discharge wastewater containing toxic substances to surface waters as permits are issued, reissued or modified.

Water quality based effluent limits have, to date, primarily been based on protection of fish and aquatic life. The rule specifies how effluent limits will be calculated and imposed in discharge permits to meet surface water quality criteria for protecting wild and domestic animals, for preventing taste and odor, and for protecting human health. Also requirements for whole effluent toxicity limits are included in the proposed rule. Included within the proposed rule are the conditions under which limits for toxic substances will be included in permits and how those limits will be calculated. Also included are the conditions under which whole effluent toxicity limits will be calculated and employed.

A section in ch. NR 102 is being created describing the purpose and application of that chapter. Amendments to, and repeal of various other sections are proposed to eliminate material which is out-of-date. Another section updates references to analytical methods and laboratory requirements. A modification is also being proposed to take into account disinfection determinations.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis as required by s. 227.17(3)(f), Stats., is as follows:

a. Types of small businesses affected: Businesses which discharge toxicants to surface waters.

b. Description of reporting and bookkeeping procedures required: Compliance monitoring and reporting requirements will increase for surface water dischargers with effluent containing toxic or organoleptic substances at levels which require water quality based effluent limits. Other dischargers may be required to perform whole effluent toxicity testing.

c. Description of professional skills required: Professional skills required will vary depending upon the effluent discharged.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

February 12, 1988 - Room 027, GEF #2, 101 S. Webster St., Madison, WI
Friday at 10:00 a.m.

February 15, 1988 - Brookfield Room, Waukesha Co. Offices Bldg., 500 Riverview Ave.,
Monday Waukesha, WI at 10:30 a.m.

February 16, 1988 - Room A-B, Appleton Police Dept., 222 S. Walnut Street,
Tuesday Appleton, WI at 1:00 p.m.

February 17, 1988 - Civic Center Plaza, 111 S. Maple Ave., Marshfield, WI
Wednesday at 10:00 a.m.

Written comments on the proposed rule may be submitted to Ms. Candy Schrank, Bureau of Water Resources Management, P.O. Box 7921, Madison, WI 53707 no later than February 29, 1988. Written comments will have the same weight and effect as oral statements presented at the hearings. A copy of the proposed rule and fiscal estimate may be obtained by writing the Bureau of Water Resources Management, P.O. Box 7921, Madison, WI 53707 or by calling (608) 267-7610.

Dated at Madison, Wisconsin

December 21, 1987

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By

Carroll D. Besadny
Carroll D. Besadny, Secretary